

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA, :
:
-against- : **ORDER DENYING MOTION**
:
SAHIL PATEL, : **FOR MODIFICATION OF**
:
Defendant. : **SENTENCE**
:
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ALVIN K. HELLERSTEIN, U.S.D.J.:

Defendant Sahil Patel (“Patel”) is currently serving a 175-month sentence for his role in an extortion conspiracy. Patel has filed numerous post-judgment motions, including a Motion to Vacate Under Section 2255 (ECF No. 79), a Motion for Compassionate Release Pursuant to 18 U.S.C. §3582(c)(1)(A)(i) (ECF No. 93), a Motion to Reconsider Order Denying Motion for Compassionate Release (ECF No. 112), and a motion to modify his sentence under 18 U.S.C. § 3582(c), in light of Amendment 792, which adjusted the definition for “intended loss” (ECF No. 121), all of which I have denied. ECF Nos. 85, 96, 119, 122.¹ Patel moves again for compassionate release under 18 U.S.C. § 3582(c)(1)(A)(i), citing various physical ailments that place him at higher risk for COVID-19 complications and the need to care for his ailing mother as extraordinary and compelling reasons for granting relief. ECF No. 123.

Patel raises the same arguments in favor of compassionate release that he did in his previous motion for compassionate release. Having denied that motion, as well as his

¹ The Court of Appeals for the Second Circuit denied Defendant’s motion for certificate of appealability under Section 2253(c). ECF No. 91. Defendant’s appeal regarding my denial of his motion for compassionate release is still pending before the Second Circuit. ECF No. 120.

subsequent motion for reconsideration, I treat the instant motion as requesting reconsideration of my previous denials.

Pursuant to Local Rule 6.3, reconsideration is appropriate where a court overlooks “controlling decisions or factual matters that were put before it on the underlying motion . . . and which, had they been considered, might have reasonably altered the result before the court.” *Range Road Music, Inc. v. Music Sales Corp.*, 90 F. Supp. 2d 390, 392 (S.D.N.Y. 2000) (internal quotation marks and citation omitted); *United States v. Mottley*, No. 03-CR-303, 2003 WL 22083420, at *1 (S.D.N.Y. Sept. 9, 2003) (applying Rule 6.3 in the criminal context); *United States v. Greenfield*, No. 01-CR-401, 2001 WL 1230538, at *1 (S.D.N.Y. Oct. 16, 2001). A motion for reconsideration “may be granted where the moving party identifies an intervening change of controlling law, the availability of new evidence, or the need to correct a clear error or prevent manifest injustice.” *United States v. Spencer*, No. 04-CR-1156, 2020 WL 3893610, at *3 (S.D.N.Y. July 10, 2020) (quoting *Kolel Beth Yechiel Mechil of Tartikov, Inc. v. YLL Irrevocable Tr.*, 729 F.3d 99, 104 (2d Cir. 2013)). “The decision to grant or deny a motion for reconsideration is within the sound discretion of the district court.” *Patterson v. United States*, No. 04-CV-3170, 2006 WL 2067036, at *1 (S.D.N.Y. July 26, 2006).

Patel cites no change in controlling law, offers no new evidence, nor provides any other reason suggesting a need to correct a clear error or prevent manifest injustice. *See Spencer*, No. 04-CR-1156, at *3. The motion is denied. The Clerk of Court shall terminate the motion (ECF No. 123).

SO ORDERED.

Dated: February 18, 2022
New York, New York

/s/ Alvin K. Hellerstein
ALVIN K. HELLERSTEIN
United States District Judge